

Notice of Allowability	Application No.	Applicant(s)	
	08/964,180	HIGURASHI ET AL.	
	Examiner	Art Unit	
	LUONG T. NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 10/20/2004.
2. ☒ The allowed claim(s) is/are 2,10,14,20,22,28-34 (renumbered as 1,2,4,5,7,8,3,10,11,12,6,9, respectively).
3. ☒ The drawings filed on 4/12/2001 and 10/07/2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>08/17/05</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert P. Michal on 08/16/2005.

2. The claims have been amended as follows:

Claims 1, 5, 7, 9, 12, 13, 17, 19, 21, 25, and 27 have been canceled.

REASONS FOR ALLOWANCE

3. Claims 2, 10, 14, 20, 22, 28-34 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 2, the prior art of the record fails to show or fairly suggest an image processing apparatus comprising correction parameter calculating means for determining correction parameters between the plurality of images based on the plurality of images input from the image input means; wherein the correction parameter calculating means comprises: image display means for displaying the plurality of images input from the image input means; correction parameter setting means for adjusting the correction parameters determined by the correction parameter calculating means, while differences in brightness between the plurality

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images displayed by the image display means are being checked by a user; and brightness correcting means for correcting the brightness of at least one image in accordance with the parameters adjusted by the correction parameter setting means, in combination with other claim elements.

Claims 10, 29 are allowable for the reasons given in claim 2.

Claims 14, 20, 33 are method claims of apparatus claims 2, 10, 29, respectively.

Therefore, claims 14, 20, 33 are allowable for the reasons given in claims 2, 10, 29, respectively.

Regarding claim 22, the prior art of the record fails to show or fairly suggest a recording medium recording a computer program for correcting plurality of images obtained by taking one composition with different exposures, said recording medium comprising a correction parameter calculating program for determining correction parameters between the plurality of images based on the plurality of images input from the image inputting program; wherein the correction parameter calculating program comprises: an image display program for displaying the plurality of images input from the image input program; a correction parameter setting program for adjusting the correction parameters determined by the correction parameter calculating program, while differences in brightness between the plurality images displayed by the image display program are being checked by a user; and brightness correcting program for correcting the brightness of at least one image in accordance with the parameters adjusted by the correction parameter setting program, in combination with other claim elements.

Claims 28, 34 are allowable for the reasons given in claim 22.

Regarding claim 30, the prior art of the record fails to show or fairly suggest an image processing apparatus comprising correction parameter calculator which determines correction parameters between the plurality of images based on the plurality of images input from the image input device; wherein the correction parameter calculator comprises: an image display device which displays the plurality of images input from the image input device; a correction parameter setting device which adjusts the correction parameters determined by the correction parameter calculator, while differences in brightness between the plurality images displayed by the image display device are being checked by a user; and a brightness corrector which corrects the brightness of at least one image in accordance with the correction parameters adjusted by the correction parameter setting device, in combination with other claim elements.

Claims 31, 32 are allowable for the reasons given in claim 30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

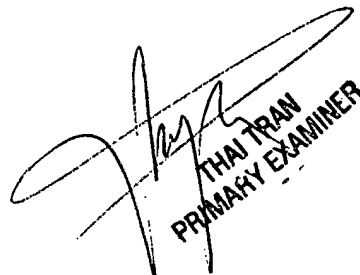
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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08/17/05


THAI TRAN
PRIMARY EXAMINER